

October 7, 2002

Project Approval Expiration Date: October ~~2017~~, 2002

Andy J, Acosta
P.O. Box 2889
Big Bear Lake, CA 92315
Phone: (909) 866-9634

Joe Bonadiman
588 West 6th Street
San Bernardino, CA, 92410
Phone:(909) 885-3806 Fax: (909) 381-1721
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Re: Extension request for a Conditional Use Permit [CUP] to establish -two (2) 12,000 sq. ft. buildings for heavy equipment repair, storage and offices; a lumber/firewood/general contractors storage yard -with associated wood/green material processing, including sawing and chipping on 5.5 acres.
CUP/M366-9N/98/APN 0313-343-04

Dear -Mr. Acosta and ~~r~~Representative~~ss~~,

San Bernardino County Land Use Service is in receipt of your request (dated 9/10/2002, and received on 9/16/2002) to extend for— thirty-six (36) months the approval period for the ~~above~~ above-referenced Conditional Use Permit (CUP). This CUP was approved by the San Bernardino County Planning Commission at its meeting on October 7, 1999, subject to conditions of approval. This approval expires on October 17, 2002.

The full project description is listed on the following page. This project was required to participate in a Mitigation Monitoring and Reporting Program. The applicant has the responsibility: 1) to operate an approved use in compliance with the conditions of approval, 2) to keep a positive balance in all County financial accounts related to the development proposal, 3) to be free from Code Enforcement actions related to the operation of the approved use and 4) to make adequate progress towards the completion of the approved development project.

Your request to extend the approval period for the referenced CUP is **DENIED**, for the following reasons:

1. Planning Staff can not extend a project approval that has a deficit project account. The account for this project has been in deficit for over three (3) years and no arrangements have been made to pay the outstanding balance. The current balance is a negative \$12, 480.73 and multiple billings have been sent. A copy of the account status is attached.
2. The applicant has never applied for, submitted fees or obtained a Mitigation Monitoring and Reporting Program to evaluate compliance with the mitigation measures established for the project, a -violation of a procedural requirement listed in the approval letter~~condition #—~~.
3. The applicant is currently subject to enforcement actions for failure to operate his existing uses in compliance with the conditions of approval and the San Bernardino County Code.

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4. The applicant has failed to submit an application for, submit fees or gain approval of an ongoing Special Use Permit (SUP)- to monitor the uses on the site as specifically required by the Planning Commission in their action to conditionally approve this project, a violation of condition # 21.---
5. The applicant has failed to make adequate progress towards accomplishing the development proposal that was approved. The applicant has not submitted any -grading plans or building plans for review or attempted to complete conditions to obtain permits. The applicant has not made any improvements on the real property since the approval (including grading, utility extensions, encroachment permits, driveway improvements, landscaping, or other screening alternatives) in conjunction with furthering the uses approved with the subject CUP. The following is -Condition #1 from the Conditions of Approval that the Planning Commission approved on October 7, 1999, which had an effective date of October 17, 2002, and an expiration date of October 17, 2002. This condition lists the elements of the approved project:

1. Project Description. This Conditional Use Permit authorizes the establishment of the following land uses and structures: two (2) 12,000 sq. ft. buildings for heavy equipment repair, storage and offices; a truck scale, a lumber/firewood/general contractors storage yard with associated wood/green material processing including sawing and chipping on 5.55 acres. This conditional use permit does not authorize or validate any land use action or violation that occurred prior to the effective date of this permit. The property is located at the southeast corner of Eagle Mountain Drive and State Highway 38 (North Shore Drive) in Bear Valley (Big Bear City)/S3. APN: 0313-343-03.

- This approval specifically does not authorize the dumping, stockpiling or storage of any type of concrete, asphalt, rock or other construction rubble for any purpose for any period of time.
- This approval does authorize a one time grinding and processing of the existing asphalt and concrete material on-site, as a construction activity, for use in the construction of the proposed uses. This activity is subject to a Special Use Permit [SUP] and will be conducted with appropriate review and supervision by County staff before, during and after the grinding activity to insure proper dust and noise control, as well as proper placement of the material as approved fill.
- This approval does not authorize the storage or processing of green waste, any construction debris, used lumber or other used manufactured wood products.
- This approval does allow on this site the acceptance of, storage of and processing of "green material", which is natural plant material originating directly from trees and other plant materials. These materials are to be processed into wood based products namely; milling timber, commercial logs, firewood and various grades of mulch and humus. This approval also includes the ability to import, stockpile and process topsoil as a landscaping product.
- This approval allows importing fill material after approval of and in accordance with a grading plan; a geotechnical report and a soil erosion and sediment control plan, that includes provisions for protection of temporary stockpiles. No fill material shall be imported until the existing stockpiles are removed or reduced and properly graded. Stockpiles of imported fill material shall not exceed at any time a) a total of 500 cubic yards, b) ten (10) feet in height, or c) be stockpiled on site for more than ninety days, before being spread and compacted per an approved grading plan. All imported fill material must be in a final usable form, as approved by County Building and Safety. The fill material shall contain no asphalt or other construction debris, except concrete

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without rebar that has been reduced offsite to a diameter of six inches (6") or less in size. [This project has estimated a need for 162,800 cu. yd. of fill, currently on-site there is 25,000 cu. yd. of soil and 15,000 cu. yd. of uncrushed concrete].

- Acceptance of this approval by the applicant constitutes an agreement to allow county and other governmental officials on the site for inspections at any time, as they deem necessary.

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~~The applicant did complete the one-time grinding operation, but failed to do it within the specified time and did not follow the detailed procedures outlined for this operation.~~

7.6. The applicant did complete the one-time grinding operation, but failed to do it within the specified time and did not follow the detailed procedures outlined for this operation, a violation of Condition # 22.

7. The applicant has stockpiled and processed "Green Waste" in conjunction with "Green Material" on this site after the approval, a violation of Condition #1.

8. The following list is not intended to be exhaustive, but is presented to demonstrate that the applicant has made little attempt to comply with the conditions of approval. The applicant has not complied with the following conditions of approval:

- 6. The applicant/owner shall process a condition compliance review through the County in accordance with the direction stated in the conditional approval letter, for verification of conditions prior to the issuance of building permits. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. NOTE: Sufficient funds must remain in the account to cover the charges during the compliance review.
- 12. All equipment storage areas shall be either paved or covered with three or more inches of gravel or other suitable material to control dust and wind-borne erosion.
- 15. No construction activities and no external operations shall be conducted on the site, except between the hours of 6 a.m. and 7 p.m. on weekdays (Monday-Friday) and between the hours of 7 a.m. and 5 p.m. on Saturdays. There shall be no grinding, chipping or mulching equipment operations allowed on the weekend and the operation of these uses is further limited as set forth in conditions number 21 and 22. These limitations shall not preclude driving equipment off the premises or returning equipment to the premises in response to requests from public agencies.
- 19. An on-site water system is required with fire hydrants capable of producing the required fire flow (2500 gpm unless buildings are sprinklered) with hydrant spacing at a minimum spacing of three hundred feet (300') between hydrants. Additional fire mitigation measures may be determined by the BBCCSD Fire Department. A fire equipment accessible water system shall be installed prior to any storage of combustible material beyond three hundred feet (300') of the nearest fire hydrant. Storage of combustible material shall not be allowed beyond three hundred feet (300') of the nearest approved fire hydrant that is safely and continuously accessible to fire equipment.
- 20. All storage of wood and other combustible materials shall conform to the Uniform Fire Code, Article 30 and shall adhere to the following:
 - The distance between piles of combustible material storage shall be thirty (30') at the base.
 - Combustible material storage shall not exceed twenty (20') in height.
 - Combustible material storage shall be no closer than ten (10') feet to any property line.
 - Combustible material storage shall be in piles no longer than one hundred fifty feet (150').
 - All combustible material storage shall be within three hundred feet (300') of a fire hydrant.
 - Clear/ unobstructed access shall be maintained always to combustible material and fire hydrants.
 - A fire department Knox entry lock system shall be installed on all entrance gates.

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- The address of the property shall be posted and be clearly visible from the street displayed with reflective 6" or higher lettering.

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2. Conditions

- ~~C21 – 28 All these conditions~~ Numbers 21 – 28 were given explicit times for completion and related to the existing uses on the site. The applicant agreed to these timed conditions and did not comply with them. These conditions were to be completed between 60 days and one year following the approval action. Three (3) years have now passed and the conditions remain unsatisfied.
- Various Conditions – Other notable conditions that were required to be completed but were not include: ~~a1) These included:~~ posting a bond for site cleanup and remediation (#23.5), ~~b2) obtaining an~~ SUP for ongoing monitoring of existing operations (#21, #22, #27, #69), ~~c3) 2complying with~~ standards for operation of existing uses (#21), ~~d) submitting geotechnical reports (#23, #36), e) obtaining a Caltrans encroachment permit (#66), f) submitting plans for walls (#23, #30), and g) obtaining an approved Business Emergency Plan (#21, #28, #96).~~

~~In addition, During the last three (3) years–, the surrounding community has continued to suffer from unscreened blight adjacent to a scenic route. The applicant has not yet demonstrated the ability to get the necessary financing to properly complete and operate~~bring this project.

The County has ~~–(This is a condition that was supposed to be corrected within one year of the approval–~~encouraged the completion of this project, as it would ~~–have–benefit the community, through the diversion of green waste from –(e.g. diseased trees and slash/slash)–(e.g. from the Big Bear Transfer station waste stream. going to the Big Bear Transfer station–~~ During the last year, ~~tThe applicant, instead of using the yard for processing local trees, imported eucalyptus trees from the valley areas and is currently under injunction for exceeded~~ing the operational criteria for storage height and bulk ~~limits –operational criteria established by the conditions of approval (#20). This –This violation–~~resulted in ~~is now the subject of a court order issuing an injunction for violation of both the conditions of approval and related Fire codes. This he operation of the use created –as–a substantial fire risk and did not waswas created on the property without having first–install the requiedrequired fire prevention system. The applicant's method of operation demonstrates a lack of understanding and cooperation with County officials in accomplishing the underlying purpose for which this approval was originally granted –by the Planning Commission.~~

The approval period for this application will not be extended. The approval of this development project and the associated- land uses will lapse on October 17, 2002. After this date there will be no approved use on the property. – In order to re-establish an approved use, a separate land use application is required to be submitted for environmental and land use review. Only after successful completion of such reviews and payment of all outstanding account balances could a subsequent application be considered for an approval action. Based upon the justifications listed above this extension request is DENIED.

Pursuant to Title 8, Sections 83.010415 and 83.010605 of the San Bernardino County Code, any interested person may, within ten (10) days after the date of this notice, appeal in writing to the Planning Commission for consideration thereof. The appeal, together with the appropriate fee, must be made in writing on forms available from the Public Information Counter.

If you have any questions or concerns regarding this matter, please contact this office by mail, by fax at (909) 387-4301, by calling (909) 387-4115 or by e-mail at pmcguckian@lusd.sbcounty.gov.

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Sincerely,

John P. McGuckian, AICP, Planner III

SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT, Current Planning Division

cc: File

Steve Wilson, Chief of Staff- for the Third District Supervisor, Dennis Hansberger

Mary Patterson, Field Representative -Third Supervisorial District

Michael E. Hays, Director — Land Use Services Department~~direct~~

Matthew Marnell, Deputy County Counsel

Julie Hernandez, Land Use Services – Code Enforcement

Gerald Stafford, Assessor's Office

DEVELOPMENT REVIEW AGENCIES

Julie Rynerson, Division Chief, Current Planning Division

Judy Tatman, Supervising Planner, Current Planning Division

Rod Foskett/Bob Murphy, Land Use Services -Building and Safety

Mike Farrell, Public Health – Environmental Health Services (DEHS)

Mike Fox, Public Works - Land Development Engineering

Jacob Babico, Public Works - Traffic Division

Chief Dana Van Leuven, Big Bear City Community Services District [BBCCSD] - Fire Department